

Applicant:	Kolessar	Group Art Unit:	2617
Serial No.:	09/896,246	Examiner:	Srivastava, Vivek
Filed:	June 29, 2001		
For:	<b>MEDIA DATA USE MEASUREMENT WITH REMOTE DECODING/PATTERN MATCHING</b>		

## RESPONSE TO OFFICE ACTION

The Examiner asserts that the application contains claims directed to the following patentably distinct species of the claimed invention: Figure 2, Figure 3, and Figure 4. Contrary to the Examiner's assertion, it is submitted that Figures 2, 3 and 4 do not represent distinct species. Rather, Figure 2 is a high-level flow diagram broadly illustrating the invention, Figure 3 shows a flow diagram of particular embodiments, and Figure 4 is a flow chart showing a particular manner of producing a data set (i.e., block 35 in Figure 2). Thus, in a sense, Figure 2 is generic, Figure 3 is a species, and Figure 4 is somewhat of a sub-species. Thus, the requirement for election is improper.

However, since the claims must be categorized, applicant submits that the claims may be categorized as follows:

All of the claims 1-110 are readable on Figure 2.


If a criteria is used to determine whether (a) or (b) in each of the independent claims is to be carried out (see step 140 in Figure 3), then all of the claims are readable on Figure 3.

Claims 4, 25, 51, 84, 97 and 107 are readable on Figure 4.

Applicant elects to prosecute on their merits those claims which are readable on the species of Figure 2, namely, claims 1-110.

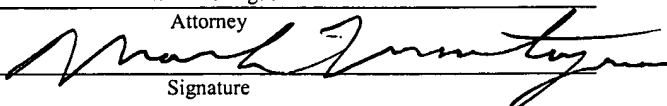
Applicant reserves his right to file a divisional application directed to those claims in the instant application which are eventually not examined on their merits.

Respectfully submitted,

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